



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

☞ Appendix A ... segment II

LRB BILL HISTORY RESEARCH APPENDIX

☞ The drafting file for 2011 LRB-1149/1 (For: DOA)

has been copied/added to the drafting file for

2011 LRB-1019 (For: DOA)



RESEARCH APPENDIX - **PLEASE KEEP WITH THE DRAFTING FILE**

Date Transfer Requested: 02/15/2011 (Per: FFK)

☞ The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.



TODAY
State of Wisconsin
2011 - 2012 LEGISLATURE

RMK
LRB-1149/D1, 1
FFK:cjs:rs
8/2/11

In 2-9-11

(dnote)

DOA:.....Dombrowski, BB0240 - Transfer the State SSI Supplement and Caretaker Supplement program to the Department of Children and Families.

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

SA/

do NOT sign

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHS administers two programs that provide supplemental payment⁵ to individuals who are eligible to receive federal supplemental security income (SSI). The first program provides supplemental cash payments, known as state supplemental payments, to an individual who qualifies for SSI because the individual is elderly, blind, or disabled. The second program, known as the caretaker supplement program, provides additional cash payments to an individual who receives SSI, state supplemental payments, or both, and is a custodial parent of a dependent child. This bill transfers the administration of the state supplemental payment program and the caretaker supplement program to DCF.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.27 (5) (c) of the statutes is amended to read:

1 16.27 (5) (c) A household entirely composed of persons receiving aid to families
2 with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2036, or
3 supplemental security income or state supplemental payments under 42 USC 1381
4 to 1383c or s. ~~49.77~~ 49.39.

5 **SECTION 2.** 20.435 (4) (bm) of the statutes is amended to read:

6 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
7 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
8 amounts in the schedule to provide a portion of the state share of administrative
9 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the
10 Badger Care health care program under s. 49.665 and to provide the state share of
11 administrative costs for the food stamp program under s. 49.79, other than payments
12 to counties and tribal governing bodies under s. 49.78 (8), to develop and implement
13 a registry of recipient immunizations, to reimburse 3rd parties for their costs under
14 s. 49.475, for costs associated with outreach activities, ~~for state administration of~~
15 ~~state supplemental grants to supplemental security income recipients under s.~~
16 ~~49.77,~~ to administer the pharmacy benefits purchasing pool under s. 146.45, and for
17 services of resource centers under s. 46.283. No state positions may be funded in the
18 department of health services from this appropriation, except positions for the
19 performance of duties under a contract in effect before January 1, 1987, related to
20 the administration of the Medical Assistance program between the subunit of the
21 department primarily responsible for administering the Medical Assistance
22 program and another subunit of the department. Total administrative funding
23 authorized for the program under s. 49.665 may not exceed 10% of the amounts
24 budgeted under pars. (p) and (x).

1 **SECTION 3.** 20.435 (4) (ed) of the statutes is renumbered 20.437 (2) (ed) and
2 amended to read:

3 20.437 (2) (ed) *State supplement to federal supplemental security income*
4 *program.* A sum sufficient for payments of supplemental grants to supplemental
5 security income recipients under s. ~~49.77~~ 49.39 and, except as provided in 1997
6 Wisconsin Act 237, section 9122 (4e) (a), for payments for the support of children of
7 supplemental security income recipients under s. ~~49.775~~ 49.395.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 4.** 20.437 (2) (eg) of the statutes is created to read:

9 20.437 (2) (eg) *State supplement to federal supplemental security income*
10 *programs; administration.* Biennially, the amounts in the schedule for the
11 administration of the supplemental security income payments program under s.
12 49.39 and the program providing payments for the support of children of
13 supplemental security income recipients under s. 49.395.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 5.** 20.437 (2) (r) of the statutes is amended to read:

15 20.437 (2) (r) *Support receipt and disbursement program; payments.* From the
16 support collections trust fund, except as provided in par. (qm), all moneys received
17 under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys
18 received under ss. 767.57 and 767.75 for child or family support, maintenance,
19 spousal support, health care expenses, or birth expenses, all other moneys received
20 under judgments or orders in actions affecting the family, as defined in s. 767.001 (1),
21 and all moneys received under s. 49.855 (4) from the department of revenue or the
22 department of administration that were withheld by the department of revenue or

S. 49.775(2)(bm) for 2009 stats. or

1 the internal revenue service for delinquent child support, family support, or
 2 maintenance or outstanding court-ordered amounts for past support, medical
 3 expenses, or birth expenses, for disbursement to the persons for whom the payments
 4 are awarded, for returning seized funds under s. 49.854 (5) (f), and, if assigned under
 5 s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.395
 6 (2)(bm), or s. 49.775 ^{49.395} (2) (bm), 2009 stats., for transfer to the appropriation account
 7 under par. (k). Estimated disbursements under this paragraph shall not be included
 8 in the schedule under s. 20.005. S. 49.77, 2009 stats. or

9 **SECTION 6.** 46.206 (1) (bm) of the statutes is amended to read:

10 46.206 (1) (bm) All records of the department relating to aid provided under
 11 s. 49.46, 49.465, 49.468, 49.47, or 49.471, or s. 49.77, 2009 stats.
 12 inspection at reasonable hours by members of the legislature who require the
 13 information contained in the records in pursuit of a specific state legislative purpose.
 14 All records of any county relating to aid provided under s. 49.46, 49.465, 49.468,
 15 49.47, or 49.471, or s. 49.77, 2009 stats. are open to inspection at reasonable hours
 16 by members of the board of supervisors of the county or the governing body of a city,
 17 village or town located in the county who require the information contained in the
 18 records in pursuit of a specific county or municipal legislative purpose. The right to
 19 records access provided by this paragraph does not apply if access is prohibited by
 20 federal law or regulation or if this state is required to prohibit such access as a
 21 condition precedent to participation in a federal program in which this state
 22 participates.

****NOTE: DFC does not have a general section similar to s. 46.206 for programs in subch. III of ch. 49. Does DCF need a section in subch. III of ch. 49 that implements the same open record requirements for records related to the SSI and the caretaker programs?

23 **SECTION 7.** 46.215 (1) (L) of the statutes is amended to read:

1 46.215 (1) (L) Within the limits of available state and federal funds and of
2 county funds appropriated to match state funds, to provide social services for persons
3 eligible for or receiving benefits under the supplementary security income program
4 under federal Title XVI, the supplemental payments program under s. ~~49.77~~ 49.39
5 or aid to families with dependent children under s. 49.19.

6 **SECTION 8.** 46.22 (1) (b) 1. c. of the statutes is renumbered 46.22 (1) (b) 2. h. and
7 amended to read:

8 46.22 (1) (b) 2. h. Within the limits of available state and federal funds and of
9 county funds appropriated to match state funds, to provide social services for persons
10 eligible for or receiving supplemental security aids under Title XVI of the social
11 security act, eligible for or receiving state supplemental payments under s. ~~49.77~~
12 49.39 or eligible for or receiving aid to families with dependent children under s.
13 49.19.

14 **SECTION 9.** 46.283 (3) (k) of the statutes is amended to read:

15 46.283 (3) (k) A determination of eligibility for state supplemental payments
16 under s. ~~49.77~~ 49.39, medical assistance under s. 49.46, 49.468, 49.47, or 49.471, or
17 the federal food stamp program under 7 USC 2011 to 2029.

18 **SECTION 10.** 48.57 (3m) (am) 6. of the statutes is amended to read:

19 48.57 (3m) (am) 6. The child for whom the kinship care relative is providing
20 care and maintenance is not receiving supplemental security income under 42 USC
21 1381 to 1383c or state supplemental payments under s. ~~49.77~~ 49.39.

22 **SECTION 11.** 48.57 (3n) (am) 5r. of the statutes is amended to read:

23 48.57 (3n) (am) 5r. The child for whom the long-term kinship care relative is
24 providing care and maintenance is not receiving supplemental security income
25 under 42 USC 1381 to 1383c or state supplemental payments under s. ~~49.77~~ 49.39.

1 **SECTION 12.** 48.685 (5) (br) 5. of the statutes is amended to read:

2 48.685 (5) (br) 5. An offense involving fraudulent activity as a participant in
3 the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of
4 a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent
5 children under s. 49.19, medical assistance under subch. IV of ch. 49, food stamps
6 benefits under the food stamp program under 7 USC 2011 to 2036, supplemental
7 security income payments under s. ~~49.39 or s.~~ 49.77, 2009 stats., ^{or s. 49.395} payments for the
8 support of children of supplemental security income recipients under s. ~~49.395 or s.~~
9 49.775, ^{or s. 49.395} 2009 stats., or health care benefits under the Badger Care health care
10 program under s. 49.665.

11 **SECTION 13.** 49.145 (2) (i) of the statutes is amended to read:

12 49.145 (2) (i) The individual is not receiving supplemental security income
13 under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77 ~~49.39~~
14 and, if the individual is a dependent child, the custodial parent of the individual does
15 not receive a payment on behalf of the individual under s. 49.775 ~~49.395~~. The
16 department may require an individual who receives benefits under s. 49.148 and who
17 has applied for supplemental security income under 42 USC 1381 to 1383c to
18 authorize the federal social security administration to reimburse the department for
19 the benefits paid to the individual under s. 49.148 during the period that the
20 individual was entitled to supplemental security income benefits to the extent that
21 retroactive supplemental security income benefits are made available to the
22 individual.

23 INSA:1

24 **SECTION 14.** 49.175 (1) (r) of the statutes is amended to read:

25 INSA:2

26 49.175 (1) (r) *Children of recipients of supplemental security income.* For
27 payments made under s. 49.775 ~~49.395~~ for the support of the dependent children of

1 recipients of supplemental security income, \$29,899,800 in fiscal year 2009-10 and
2 \$29,933,200 in each fiscal year thereafter.

***NOTE: Are any changes required to the appropriation accounts listed in s. 49.175 (1) (intro.) to fund the payments described in this paragraph? Specifically, should s. 20.437 (2) (ed), as renumbered by this bill from s. 20.435 (4) (ed), be included in the introductory section?

3 **SECTION 15.** 49.19 (19m) of the statutes is amended to read:

4 49.19 (19m) Notwithstanding subs. (1) to (19), no aid may be paid under this
5 section for a child on whose behalf a payment is made under s. 49.775 49.395.

6 **SECTION 16.** 49.197 (1m) of the statutes is amended to read:

7 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2)
8 (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program
9 to investigate suspected fraudulent activity on the part of recipients of aid to families
10 with dependent children under s. 49.19, supplemental security income payments
11 under s. 49.39 or s. 49.77, 2009 stats. ^{S. 49.77, 2009 stats. or} and payments for the support of children of
12 supplemental security income recipients under s. 49.395 or s. 49.775, 2009 stats. ^{S. 49.775, 2009 stats. or} on
13 the part of participants in the Wisconsin Works program under ss. 49.141 to 49.161,
14 and, if the department of health services contracts with the department under sub.
15 (5), on the part of recipients of medical assistance under subch. IV, food stamp
16 benefits under the food stamp program under 7 USC 2011 to 2036, supplemental
17 security income payments under s. 49.77, payments for the support of children of
18 supplemental security income recipients under s. 49.775, and health care benefits
19 under the Badger Care health care program under s. 49.665. The department's
20 activities under this subsection may include, but are not limited to, comparisons of
21 information provided to the department by an applicant and information provided
22 by the applicant to other federal, state, and local agencies, development of an
23 advisory welfare investigation prosecution standard, and provision of funds to

1 county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin Works
2 agencies to encourage activities to detect fraud. The department shall cooperate
3 with district attorneys regarding fraud prosecutions.

4 **SECTION 17.** 49.197 (3) of the statutes is amended to read:

5 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
6 activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161,
7 the supplemental security income payments program under s. 49.39, the program
8 providing payments for the support of children of supplemental security income
9 recipients under s. 49.395, and, if the department of health services contracts with
10 the department under sub. (5), the Medical Assistance program under subch. IV, the
11 food stamp program under 7 USC 2011 to 2036, the supplemental security income
12 payments program under s. 49.77, the program providing payments for the support
13 of children of supplemental security income recipients under s. 49.775, and the
14 Badger Care health care program under s. 49.665.

15 **SECTION 18.** 49.197 (4) of the statutes is amended to read:

16 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health
17 services contracts with the department under sub. (5), the department shall provide
18 funds from the appropriation under s. 20.437 (2) (kx) to counties and governing
19 bodies of federally recognized American Indian tribes administering Medical
20 Assistance under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
21 ~~supplemental security income payments program under s. 49.77, the program~~
22 ~~providing payments for the support of children of supplemental security income~~
23 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665~~
24 to offset administrative costs of reducing payment errors in those programs.

25 **SECTION 19.** 49.197 (5) of the statutes is amended to read:

1 49.197 (5) ~~CONTRACTS FOR MEDICAL ASSISTANCE, AND FOOD STAMPS, SUPPLEMENTAL~~
2 ~~SECURITY INCOME, AND CARETAKER SUPPLEMENT.~~ Notwithstanding s. 49.845 (1) and (2),
3 the department of health services may contract with the department to investigate
4 suspected fraudulent activity on the part of recipients of medical assistance under
5 subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to
6 2036, ~~supplemental security income payments under s. 49.77, payments for the~~
7 ~~support of children of supplemental security income recipients under s. 49.775, and~~
8 health care benefits under the Badger Care health care program under s. 49.665 and
9 to conduct activities to reduce payment errors in the Medical Assistance program
10 under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
11 ~~supplemental security income payments program under s. 49.77, the program~~
12 ~~providing payments for the support of children of supplemental security income~~
13 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665,~~
14 as provided in this section.

15 Ins. B ~~SECTION 20.~~ 49.43 (1e) of the statutes is amended to read:

16 49.43 (1e) "Accommodated person" means any person in a hospital or in a
17 skilled nursing facility or intermediate care facility, as defined in Title XIX of the
18 social security act, who would have been eligible for benefits under s. 49.19 or ~~49.77~~
19 49.39 or federal Title XVI if the person were not in such a hospital or facility, and any
20 person in such an institution who can be found eligible for Title XIX under the social
21 security act.

22 **SECTION 21.** 49.46 (1) (a) 4. of the statutes is amended to read:

23 49.46 (1) (a) 4. Any person receiving benefits under s. ~~49.77~~ 49.39 or federal
24 Title XVI.

25 **SECTION 22.** 49.46 (1) (a) 4m. of the statutes is amended to read:

1 49.46 (1) (a) 4m. Any child for whom a payment is made under s. ~~49.775~~ 49.395.

2 **SECTION 23.** 49.46 (1) (d) 4. of the statutes is amended to read:

3 49.46 (1) (d) 4. A child who meets the conditions under 42 USC 1396a (e) (3)
4 shall be considered a recipient of benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

5 **SECTION 24.** 49.46 (1) (e) of the statutes is amended to read:

6 49.46 (1) (e) If an application under s. 49.47 (3) shows that the individual meets
7 the income limits under s. 49.19 or meets the income and resource requirements
8 under federal Title XVI or s. ~~49.77~~ 49.39, or that the individual is an essential person,
9 an accommodated person, or a patient in a public medical institution, the individual
10 shall be granted the benefits enumerated under sub. (2) whether or not the
11 individual requests or receives a grant of any of such aids.

12 **SECTION 25.** 49.47 (4) (c) 1. of the statutes is amended to read:

13 49.47 (4) (c) 1. Except as provided in par. (am) and as limited by subd. 3.,
14 eligibility exists if income does not exceed 133 1/3% of the maximum aid to families
15 with dependent children payment under s. 49.19 (11) for the applicant's family size
16 or the combined benefit amount available under supplemental security income
17 under 42 USC 1381 to 1383c and state supplemental aid under s. ~~49.77~~ 49.39,
18 whichever is higher. In this subdivision "income" includes earned or unearned
19 income that would be included in determining eligibility for the individual or family
20 under s. 49.19 or ~~49.77~~ 49.39, or for the aged, blind or disabled under 42 USC 1381
21 to 1385. "Income" does not include earned or unearned income which would be
22 excluded in determining eligibility for the individual or family under s. 49.19 or ~~49.77~~
23 49.39, or for the aged, blind or disabled individual under 42 USC 1381 to 1385.

24 **SECTION 26.** 49.471 (7) (c) 4. of the statutes is amended to read:

1 49.471 (7) (c) 4. Not include in the calculation any income of an individual
2 receiving benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

3 **SECTION 27.** 49.472 (4) (a) 2. a. of the statutes is amended to read:

4 49.472 (4) (a) 2. a. A maintenance allowance established by the department by
5 rule. The maintenance allowance may not be less than the sum of \$20, the federal
6 supplemental security income payment level determined under 42 USC 1382 (b) and
7 the state supplemental payment determined under s. ~~49.77 (2m)~~ 49.39 (2m).

8 **SECTION 28.** 49.77 of the statutes is renumbered 49.39, and 49.39 (6), as
9 renumbered, is amended to read:

10 49.39 (6) **AUTHORITY TO ADMINISTER; RULES.** The department shall administer
11 this section and s. ~~49.775~~ 49.395, and may promulgate rules to guide the
12 administration of eligibility determinations and benefits payments.

13 **SECTION 29.** 49.775 of the statutes is renumbered 49.395, and 49.395 (2) (a),
14 (b), (bm) and (e) 1., as renumbered, are amended to read:

15 49.395 (2) (a) The custodial parent is a recipient of supplemental security
16 income under 42 USC 1381 to 1383c or of state supplemental payments under s.
17 ~~49.77~~ 49.39, or both.

18 (b) If the dependent child has 2 custodial parents, each custodial parent
19 receives supplemental security income under 42 USC 1381 to 1383c or state
20 supplemental payments under s. ~~49.77~~ 49.39, or both.

21 (bm) The custodial parent assigns to the state any right of the custodial parent
22 or of the dependent child to support from any other person accruing during the time
23 that any payment under this subsection is made to the custodial parent. No amount
24 of support that begins to accrue after the individual ceases to receive payments under
25 this section may be considered assigned to the state. Seventy-five percent of all

1 money that is received by the department of children and families under an
2 assignment to the state under this paragraph shall be paid to the custodial parent.
3 The department of children and families shall pay the federal share of support
4 assigned under this paragraph as required under federal law or waiver.

5 (e) 1. The custodial parent is ineligible for aid under s. 49.19 solely because he
6 or she receives supplemental security income under 42 USC 1381 to 1383c or state
7 supplemental payments under s. 49.77 49.39.

8 **SECTION 30.** 49.776 of the statutes is renumbered 49.396 and amended to read:

9 **49.396 Payment of support arrears.** If a custodial parent who formerly
10 received payments under s. ~~49.775, 2009 stats.~~ ^{49.775, 2009 stats. or s.} but who is no longer
11 receiving payments under s. ~~49.395 or s. 49.775, 2009 stats.~~ ^{s. 49.775(2)(bm), 2009 stats. or s.} assigned to the state
12 under s. ~~49.395 (2) (bm) or s. 49.775 (2) (bm), 2009 stats.~~ ^{s. 49.775(2)(bm), 2009 stats. or s.} his or her right or the right
13 of the dependent child to support from any other person, the department shall pay
14 to the custodial parent all money in support arrears that is collected by the
15 department after the custodial parent's receipt of payments under s. ~~49.395 or s.~~ ^{s. 49.775, 2009 stats. or s.}
16 ~~49.775, 2009 stats.~~ ceased and that accrued while the custodial parent was receiving
17 those payments.

18 **SECTION 31.** 49.785 (1c) (a) of the statutes is amended to read:

19 49.785 (1c) (a) A recipient of benefits under ~~s. 49.148, 49.39, or 49.46, or s.~~ ^{s. 49.77, 2009 stats. or s.}
20 ~~49.77, 2009 stats.~~ or under 42 USC 1381 to 1385 in effect on May 8, 1980.

21 **SECTION 32.** 49.825 (2) (a) 2. of the statutes is repealed.

22 **SECTION 33.** 49.83 of the statutes is amended to read:

23 **49.83 Limitation on giving information.** Except as provided under ss.
24 49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information
25 concerning applicants and recipients of relief funded by a relief block grant, aid to

Insert 12-17

1 families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social
2 services, child and spousal support and establishment of paternity and medical
3 support liability services under s. 49.22, or supplemental payments under s. 49.39
4 or s. 49.77, 2009 stats. for any purpose not connected with the administration of the
5 programs, except that the department of children and families may disclose such
6 information to the department of revenue for the sole purpose of administering state
7 taxes. Any person violating this section may be fined not less than \$25 nor more than
8 \$500 or imprisoned in the county jail not less than 10 days nor more than one year
9 or both.

10 SECTION 34. 49.845 (1) of the statutes is amended to read:

11 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
12 (bn), (kz), (L), and (nn), the department of health services shall establish a program
13 to investigate suspected fraudulent activity on the part of recipients of medical
14 assistance under subch. IV, food stamp benefits under the food stamp program under
15 7 USC 2011 to 2036, ~~supplemental security income payments under s. 49.77,~~
16 ~~payments for the support of children of supplemental security income recipients~~
17 ~~under s. 49.775, and health care benefits under the Badger Care health care program~~
18 ~~under s. 49.665 and, if the department of children and families contracts with the~~
19 ~~department of health services under sub. (4), on the part of recipients of aid to~~
20 ~~families with dependent children under s. 49.19, supplemental security income~~
21 ~~payments under s. 49.39 or s. 49.77, 2009 stats.,~~ payments for the support of children
22 of supplemental security income recipients under s. 49.395 or s. 49.775, 2009 stats.
23 and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The
24 activities of the department of health services under this subsection may include
25 comparisons of information provided to the department by an applicant and

1 information provided by the applicant to other federal, state, and local agencies,
2 development of an advisory welfare investigation prosecution standard, and
3 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to
4 Wisconsin Works agencies to encourage activities to detect fraud. The department
5 of health services shall cooperate with district attorneys regarding fraud
6 prosecutions.

7 **SECTION 35.** 49.845 (2) of the statutes is amended to read:

8 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health
9 services shall conduct activities to reduce payment errors in the Medical Assistance
10 program under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
11 ~~supplemental security income payments program under s. 49.77, the program~~
12 ~~providing payments for the support of children of supplemental security income~~
13 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665~~
14 and, if the department of children and families contracts with the department of
15 health services under sub. (4), in the supplemental security income payments
16 program under s. 49.39, the program providing payments for the support of children
17 of supplemental security income recipients under s. 49.395, and Wisconsin Works
18 under ss. 49.141 to 49.161.

19 **SECTION 36.** 49.845 (4) (title) of the statutes is amended to read:

20 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY
21 INCOME, AND CARETAKER SUPPLEMENT.

22 **SECTION 37.** 49.845 (4) (a) 1. of the statutes is amended to read:

23 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of
24 children and families may contract with the department of health services to
25 investigate suspected fraudulent activity on the part of recipients of aid to families

1 with dependent children under s. 49.19, recipients of supplemental security income
2 payments under s. 49.39, recipients of payments for the support of children of
3 supplemental security income recipients under s. 49.395, and participants in
4 Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities to reduce
5 payment errors in the supplemental security income payments program under s.
6 49.39, the program providing payments for the support of children of supplemental
7 security income recipients under s. 49.395, and Wisconsin Works under ss. 49.141 to
8 49.161, as provided in this section. If any employee of the department of health
9 services reasonably suspects that fraudulent activity as described in this subdivision
10 has occurred or is occurring, the employee shall immediately report the facts and
11 circumstances contributing to that suspicion to the employee's immediate
12 supervisor.

13 **SECTION 38.** 49.89 (7) (bm) of the statutes is amended to read:

14 49.89 (7) (bm) The incentive payment shall be an amount equal to 15% of the
15 amount recovered because of benefits paid as state supplemental payments under
16 s. 49.77, 2009 stats., or s. 49.39 or s. 49.77, 2009 stats. The incentive payment shall be taken from the state
17 share of the sum recovered.

18 **SECTION 39.** 49.90 (1) (b) of the statutes is amended to read:

19 49.90 (1) (b) For purposes of this section those persons receiving benefits under
20 federal Title XVI or under s. ~~49.77~~ 49.39 shall not be deemed dependent persons.

21 **SECTION 40.** 49.96 of the statutes is amended to read:

22 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
23 dependent children, payments made under ss. 48.57 (3m) or (3n), 49.148 (1) (b) 1. or
24 (c) or (1m) or 49.149 to 49.159, payments made for social services, cash benefits paid
25 by counties under s. 59.53 (21), and benefits under s. ~~49.77~~ 49.39 or federal Title XVI,

Insert 15-17

1 are exempt from every tax, and from execution, garnishment, attachment and every
2 other process and shall be inalienable.

3 **SECTION 41.** 50.03 (14) (b) of the statutes is amended to read:

4 50.03 (14) (b) The county departments of the county in which the facility is
5 located that are responsible for providing services under s. 46.215 (1) (L), ~~46.22 (1)~~
6 ~~(b) 1. c.~~ 46.22 (1) (b) 2. h., 51.42 or 51.437 shall participate in the development and
7 implementation of individual relocation plans. Any county department of another
8 county shall participate in the development and implementation of individual
9 relocation plans in place of the county departments of the county in which the facility
10 is located, if the county department accepts responsibility for the resident or is
11 delegated responsibility for the resident by the department or by a court.

12 **SECTION 42.** 50.037 (3) of the statutes is amended to read:

13 50.037 (3) EXEMPTION. Community-based residential facilities where the total
14 monthly charges for each resident do not exceed the monthly state supplemental
15 payment rate under s. ~~49.77 (3s)~~ 49.39 (3s) that is in effect at the time the fee under
16 sub. (2) is assessed are exempt from this section.

17 **SECTION 43.** 767.521 (intro.) of the statutes is amended to read:

18 **767.521 Action by state for child support.** (intro.) The state or its delegate
19 under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.001
20 (1) (f) or for paternity determination and child support under s. 767.80 if the child's
21 right to support is assigned to the state under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2., 48.645~~
22 ~~(3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.395 (2) (bm) or s. 49.775 (2) (bm)~~ 2009 stats.
23 and all of the following apply:

24

(END)

Insert 16-23 ✓

d-note

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1149/lins
FFK:.....

Insert A : 1

SECTION 1. 49.175 (1) (intro.) of the statutes is amended to read:

49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within the limits of the appropriations under s. 20.437 (2) (a), (cm), (cr), (dz), (ed), (k), (kx), (L), (mc), (md), (me), (mf), and (s), the department shall allocate the following amounts for the following purposes:

NOTE: NOTE: Sub. (1) (intro.) is amended eff. 7-1-11 by 2009 Wis. Act 28 to read:NOTE:

(1) ALLOCATION OF FUNDS. Except as provided in sub. (2), within the limits of the appropriations under a. 20.437 (2) (a), (cm), (dz), (k), (kx), (L), (mc), (md), (me), (mf), and (s), the department shall allocate the following amounts for the following purposes:

History: 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226; 2009 a. 2, 28.

Insert B

SECTION 2. 49.35 (1) (bm) of the statutes is amended to read:

49.35 (1) (bm) All records of the department relating to aid provided under s. 49.19 or 49.39 are open to inspection at reasonable hours by members of the legislature who require the information contained in the records in pursuit of a specific state legislative purpose. All records of any county relating to aid provided under s. 49.19 or 49.39 are open to inspection at reasonable hours by members of the board of supervisors of the county or the governing body of a city, village or town located in the county who require the information contained in the records in pursuit of a specific county or municipal legislative purpose. The right to records access provided by this paragraph does not apply if access is prohibited by federal law or regulation or if this state is required to prohibit such access as a condition precedent to participation in a federal program in which this state participates.

History: 1995 a. 27; 2005 a. 344; 2007 a. 20.

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1149/lins
PJK:.....

INSERT 12-17

1 **SECTION 1.** 49.776 of the statutes is renumbered 49.396 and amended to read:
2 **49.396 Payment of support arrears.** If a custodial parent who formerly
3 received payments under s. 49.775, 2009 stats., or s. 49.395 but who is no longer
4 receiving payments under s. 49.775, 2009 stats., or s. 49.395 assigned to the state
5 under s. 49.775 (2) (bm), 2009 stats., or s. 49.395 (2) (bm) his or her right or the right
6 of the dependent child to support from any other person, the department shall pay
7 to the custodial parent all money in support arrears that is collected by the
8 department after the custodial parent's receipt of payments under s. 49.775, 2009
9 stats., or s. 49.395 ceased and that accrued while the custodial parent was receiving
10 those payments.

History: 2009 a. 28.

(END OF INSERT 12-17)

INSERT 13-9

11 **SECTION 2.** 49.83 of the statutes is amended to read:
12 **49.83 Limitation on giving information.** Except as provided under ss.
13 49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information
14 concerning applicants and recipients of relief funded by a relief block grant, aid to
15 families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social
16 services, child and spousal support and establishment of paternity and medical
17 support liability services under s. 49.22, or supplemental payments under s. 49.77,
18 2009 stats., or s. 49.39 for any purpose not connected with the administration of the
19 programs, except that the department of children and families may disclose such
20 information to the department of revenue for the sole purpose of administering state
21 taxes. Any person violating this section may be fined not less than \$25 nor more than

Ins 13-9 cont'd

1 \$500 or imprisoned in the county jail not less than 10 days nor more than one year
2 or both.

History: 1995 a. 27 ss. 3142, 3144; Stats. 1995 s. 49.83; 1995 a. 289, 361, 404; 1997 a. 35; 2005 a. 25; 2007 a. 20; 2009 a. 28.

(END OF INSERT 13-9)

INSERT 15-17

3 **SECTION 3.** 49.89 (7) (bm) of the statutes is amended to read:
4 49.89 (7) (bm) The incentive payment shall be an amount equal to 15% of the
5 amount recovered because of benefits paid as state supplemental payments under
6 s. 49.77, 2009 stats., or s. 49.39. The incentive payment shall be taken from the state
7 share of the sum recovered.

History: 1977 c. 29; 1979 c. 221; 1981 c. 20; 1983 a. 27, 465; 1985 a. 29 ss. 1051, 1052, 3200 (23); 1987 a. 27 s. 3202 (24); 1989 a. 31; 1995 a. 27 ss. 3152 to 3177, 3214, 3215, 9126 (19), 9130 (4); Stats. 1995 s. 49.89; 1995 a. 407; 1997 a. 3; 1999 a. 9; 2007 a. 20 ss. 1750 to 1753, 9121 (6) (a); 2007 a. 96; 2009 a. 15.

(END OF INSERT 15-17)

INSERT 16-23

8 **SECTION 4.** 767.521 (intro.) of the statutes is amended to read:
9 **767.521 Action by state for child support.** (intro.) The state or its delegate
10 under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.001
11 (1) (f) or for paternity determination and child support under s. 767.80 if the child's
12 right to support is assigned to the state under s. 49.775 (2) (bm), 2009 stats., or s.
13 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or ~~49.775~~
14 49.395 (2) (bm) and all of the following apply:

History: 1987 a. 27; 1995 a. 289, 404; 1997 a. 27, 105; 2005 a. 443 s. 38; Stats. 2005 s. 767.521; 2007 a. 20.

(END OF INSERT 16-23)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1149/1dn

FFK:/.....

js

- late -

To Cindy:

This draft incorporates changes based on the response I received from Sarah Grimsrud related to the four star notes in the preliminary draft. Additionally, this draft includes technical changes relating to the placement of cross references to prior law.

Again, please let me know if DHS needs nonstatutory language to transfer pending matters, contracts, rules or orders related to the state supplemental SSI program or the caretaker supplement program to the DCF.

Fern Knepp
Legislative Attorney
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INS A:2

§ section 1227

→ SEC. #. RC; 49.175 (1) (intro.) as affected by 2009 Wisconsin Act 28 and

49.175

49.175 Public assistance and local assistance allocations.

49.175(1)

(1) (intro.) **Allocation of funds.** Except as provided in sub. (2), within the limits of the appropriations under s. 20.437 (2) (a), (cm), (cr), (dz), (k), (kx), (L), (mc), (md), (me), (mf), and (s), the department shall allocate the following amounts for the following purposes:

49.175 - ANNOT.

NOTE: Sub. (1) (intro.) is amended eff. 7-1-11 by 2009 Wis. Act 28 to read:

49.175 - ANNOT.

(1) **Allocation of funds.** Except as provided in sub. (2), within the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (k), (kx), (L), (mc), (md), (me), (mf), and (s), the department shall allocate the following amounts for the following purposes:

B

49.175

(intro.)

(ed)

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and format as
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as otherwise indicated

2011
Wisconsin
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(this
act)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1149/1dn
FFK:cjs:ph

February 11, 2011

To Cindy:

This draft incorporates changes based on the response I received from Sarah Grimsrud related to the four star notes in the preliminary draft. Additionally, this draft includes technical changes relating to the placement of cross-references to prior law.

Again, please let me know if DHS needs nonstatutory language to transfer pending matters, contracts, rules or orders related to the state supplemental SSI program or the caretaker supplement program to the DCF.

Fern Knepp
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State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1149/1
FFK:cjs:ph

DOA:.....Dombrowski, BB0240 - Transfer the State SSI Supplement and Caretaker Supplement program to the Department of Children and Families.

FOR 2011-13 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to: the budget.**

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHS administers two programs that provide supplemental payments to individuals who are eligible to receive federal supplemental security income (SSI). The first program provides supplemental cash payments, known as state supplemental payments, to an individual who qualifies for SSI because the individual is elderly, blind, or disabled. The second program, known as the caretaker supplement program, provides additional cash payments to an individual who receives SSI, state supplemental payments, or both, and is a custodial parent of a dependent child. This bill transfers the administration of the state supplemental payment program and the caretaker supplement program to DCF.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 16.27 (5) (c) of the statutes is amended to read:

1 16.27 (5) (c) A household entirely composed of persons receiving aid to families
2 with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2036, or
3 supplemental security income or state supplemental payments under 42 USC 1381
4 to 1383c or s. ~~49.77~~ 49.39.

5 SECTION 2. 20.435 (4) (bm) of the statutes is amended to read:

6 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
7 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
8 amounts in the schedule to provide a portion of the state share of administrative
9 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the
10 Badger Care health care program under s. 49.665 and to provide the state share of
11 administrative costs for the food stamp program under s. 49.79, other than payments
12 to counties and tribal governing bodies under s. 49.78 (8), to develop and implement
13 a registry of recipient immunizations, to reimburse 3rd parties for their costs under
14 s. 49.475, for costs associated with outreach activities, ~~for state administration of~~
15 ~~state supplemental grants to supplemental security income recipients under s.~~
16 ~~49.77~~, to administer the pharmacy benefits purchasing pool under s. 146.45, and for
17 services of resource centers under s. 46.283. No state positions may be funded in the
18 department of health services from this appropriation, except positions for the
19 performance of duties under a contract in effect before January 1, 1987, related to
20 the administration of the Medical Assistance program between the subunit of the
21 department primarily responsible for administering the Medical Assistance
22 program and another subunit of the department. Total administrative funding
23 authorized for the program under s. 49.665 may not exceed 10% of the amounts
24 budgeted under pars. (p) and (x).

1 SECTION 3. 20.435 (4) (ed) of the statutes is renumbered 20.437 (2) (ed) and
2 amended to read:

3 20.437 (2) (ed) *State supplement to federal supplemental security income*
4 *program*. A sum sufficient for payments of supplemental grants to supplemental
5 security income recipients under s. ~~49.77~~ 49.39 and, except as provided in 1997
6 Wisconsin Act 237, section 9122 (4e) (a), for payments for the support of children of
7 supplemental security income recipients under s. ~~49.775~~ 49.395.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

8 SECTION 4. 20.437 (2) (eg) of the statutes is created to read:

9 20.437 (2) (eg) *State supplement to federal supplemental security income*
10 *programs; administration*. Biennially, the amounts in the schedule for the
11 administration of the supplemental security income payments program under s.
12 49.39 and the program providing payments for the support of children of
13 supplemental security income recipients under s. 49.395.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

14 SECTION 5. 20.437 (2) (r) of the statutes is amended to read:

15 20.437 (2) (r) *Support receipt and disbursement program; payments*. From the
16 support collections trust fund, except as provided in par. (qm), all moneys received
17 under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys
18 received under ss. 767.57 and 767.75 for child or family support, maintenance,
19 spousal support, health care expenses, or birth expenses, all other moneys received
20 under judgments or orders in actions affecting the family, as defined in s. 767.001 (1),
21 and all moneys received under s. 49.855 (4) from the department of revenue or the
22 department of administration that were withheld by the department of revenue or

1 the internal revenue service for delinquent child support, family support, or
2 maintenance or outstanding court-ordered amounts for past support, medical
3 expenses, or birth expenses, for disbursement to the persons for whom the payments
4 are awarded, for returning seized funds under s. 49.854 (5) (f), and, if assigned under
5 s. 49.775 (2) (bm), 2009 stats., or s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145
6 (2) (s), 49.19 (4) (h) 1. b., or ~~49.775~~ 49.395 (2) (bm), for transfer to the appropriation
7 account under par. (k). Estimated disbursements under this paragraph shall not be
8 included in the schedule under s. 20.005.

9 SECTION 6. 46.206 (1) (bm) of the statutes is amended to read:

10 46.206 (1) (bm) All records of the department relating to aid provided under
11 s. 49.77, 2009 stats., or s. 49.46, 49.465, 49.468, 49.47, or 49.471, ~~or 49.77~~ are open
12 to inspection at reasonable hours by members of the legislature who require the
13 information contained in the records in pursuit of a specific state legislative purpose.
14 All records of any county relating to aid provided under s. 49.77, 2009 stats., or s.
15 49.46, 49.465, 49.468, 49.47, or 49.471, ~~or 49.77~~ are open to inspection at reasonable
16 hours by members of the board of supervisors of the county or the governing body of
17 a city, village or town located in the county who require the information contained
18 in the records in pursuit of a specific county or municipal legislative purpose. The
19 right to records access provided by this paragraph does not apply if access is
20 prohibited by federal law or regulation or if this state is required to prohibit such
21 access as a condition precedent to participation in a federal program in which this
22 state participates.

23 SECTION 7. 46.215 (1) (L) of the statutes is amended to read:

24 46.215 (1) (L) Within the limits of available state and federal funds and of
25 county funds appropriated to match state funds, to provide social services for persons

1 eligible for or receiving benefits under the supplementary security income program
2 under federal Title XVI, the supplemental payments program under s. ~~49.77~~ 49.39
3 or aid to families with dependent children under s. 49.19.

4 SECTION 8. 46.22 (1) (b) 1. c. of the statutes is renumbered 46.22 (1) (b) 2. h. and
5 amended to read:

6 46.22 (1) (b) 2. h. Within the limits of available state and federal funds and of
7 county funds appropriated to match state funds, to provide social services for persons
8 eligible for or receiving supplemental security aids under Title XVI of the social
9 security act, eligible for or receiving state supplemental payments under s. ~~49.77~~
10 49.39 or eligible for or receiving aid to families with dependent children under s.
11 49.19.

12 SECTION 9. 46.283 (3) (k) of the statutes is amended to read:

13 46.283 (3) (k) A determination of eligibility for state supplemental payments
14 under s. ~~49.77~~ 49.39, medical assistance under s. 49.46, 49.468, 49.47, or 49.471, or
15 the federal food stamp program under 7 USC 2011 to 2029.

16 SECTION 10. 48.57 (3m) (am) 6. of the statutes is amended to read:

17 48.57 (3m) (am) 6. The child for whom the kinship care relative is providing
18 care and maintenance is not receiving supplemental security income under 42 USC
19 1381 to 1383c or state supplemental payments under s. ~~49.77~~ 49.39.

20 SECTION 11. 48.57 (3n) (am) 5r. of the statutes is amended to read:

21 48.57 (3n) (am) 5r. The child for whom the long-term kinship care relative is
22 providing care and maintenance is not receiving supplemental security income
23 under 42 USC 1381 to 1383c or state supplemental payments under s. ~~49.77~~ 49.39.

24 SECTION 12. 48.685 (5) (br) 5. of the statutes is amended to read:

1 48.685 (5) (br) 5. An offense involving fraudulent activity as a participant in
2 the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of
3 a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent
4 children under s. 49.19, medical assistance under subch. IV of ch. 49, food stamps
5 benefits under the food stamp program under 7 USC 2011 to 2036, supplemental
6 security income payments under s. 49.77, 2009 stats., or s. 49.39, payments for the
7 support of children of supplemental security income recipients under s. 49.775, 2009
8 stats., or s. 49.395, or health care benefits under the Badger Care health care
9 program under s. 49.665.

10 SECTION 13. 49.145 (2) (i) of the statutes is amended to read:

11 49.145 (2) (i) The individual is not receiving supplemental security income
12 under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77 49.39
13 and, if the individual is a dependent child, the custodial parent of the individual does
14 not receive a payment on behalf of the individual under s. 49.775 49.395. The
15 department may require an individual who receives benefits under s. 49.148 and who
16 has applied for supplemental security income under 42 USC 1381 to 1383c to
17 authorize the federal social security administration to reimburse the department for
18 the benefits paid to the individual under s. 49.148 during the period that the
19 individual was entitled to supplemental security income benefits to the extent that
20 retroactive supplemental security income benefits are made available to the
21 individual.

22 SECTION 14. 49.175 (1) (intro.) of the statutes is amended to read:

23 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
24 the limits of the appropriations under s. 20.437 (2) (a), (cm), (cr), (dz), (ed), (k), (kx),

1 (L), (mc), (md), (me), (mf), and (s), the department shall allocate the following
2 amounts for the following purposes:

3 SECTION 15. 49.175 (1) (intro.) of the statutes, as affected by 2009 Wisconsin
4 Act 28, section 1227, and 2011 Wisconsin Act (this act), is repealed and recreated
5 to read:

6 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
7 the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (ed), (k), (kx), (L),
8 (mc), (md), (me), (mf), and (s), the department shall allocate the following amounts
9 for the following purposes:

10 SECTION 16. 49.175 (1) (r) of the statutes is amended to read:

11 49.175 (1) (r) *Children of recipients of supplemental security income.* For
12 payments made under s. ~~49.775~~ 49.395 for the support of the dependent children of
13 recipients of supplemental security income, \$29,899,800 in fiscal year 2009-10 and
14 \$29,933,200 in each fiscal year thereafter.

15 SECTION 17. 49.19 (19m) of the statutes is amended to read:

16 49.19 (19m) Notwithstanding subs. (1) to (19), no aid may be paid under this
17 section for a child on whose behalf a payment is made under s. ~~49.775~~ 49.395.

18 SECTION 18. 49.197 (1m) of the statutes is amended to read:

19 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2)
20 (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program
21 to investigate suspected fraudulent activity on the part of recipients of aid to families
22 with dependent children under s. 49.19, supplemental security income payments
23 under s. 49.77, 2009 stats., or s. 49.39, and payments for the support of children of
24 supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395,
25 on the part of participants in the Wisconsin Works program under ss. 49.141 to

1 49.161, and, if the department of health services contracts with the department
2 under sub. (5), on the part of recipients of medical assistance under subch. IV, food
3 stamp benefits under the food stamp program under 7 USC 2011 to 2036,
4 ~~supplemental security income payments under s. 49.77, payments for the support of~~
5 ~~children of supplemental security income recipients under s. 49.775, and health care~~
6 benefits under the Badger Care health care program under s. 49.665. The
7 department's activities under this subsection may include, but are not limited to,
8 comparisons of information provided to the department by an applicant and
9 information provided by the applicant to other federal, state, and local agencies,
10 development of an advisory welfare investigation prosecution standard, and
11 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to
12 Wisconsin Works agencies to encourage activities to detect fraud. The department
13 shall cooperate with district attorneys regarding fraud prosecutions.

14 SECTION 19. 49.197 (3) of the statutes is amended to read:

15 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
16 activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161,
17 the supplemental security income payments program under s. 49.39, the program
18 providing payments for the support of children of supplemental security income
19 recipients under s. 49.395, and, if the department of health services contracts with
20 the department under sub. (5), the Medical Assistance program under subch. IV, the
21 food stamp program under 7 USC 2011 to 2036, the supplemental security income
22 payments program under s. 49.77, the program providing payments for the support
23 of children of supplemental security income recipients under s. 49.775, and the
24 Badger Care health care program under s. 49.665.

25 SECTION 20. 49.197 (4) of the statutes is amended to read:

1 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health
2 services contracts with the department under sub. (5), the department shall provide
3 funds from the appropriation under s. 20.437 (2) (kx) to counties and governing
4 bodies of federally recognized American Indian tribes administering Medical
5 Assistance under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
6 ~~supplemental security income payments program under s. 49.77, the program~~
7 ~~providing payments for the support of children of supplemental security income~~
8 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665~~
9 to offset administrative costs of reducing payment errors in those programs.

10 SECTION 21. 49.197 (5) of the statutes is amended to read:

11 49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE, ~~AND~~ FOOD STAMPS, SUPPLEMENTAL
12 ~~SECURITY INCOME, AND CARETAKER SUPPLEMENT.~~ Notwithstanding s. 49.845 (1) and (2),
13 the department of health services may contract with the department to investigate
14 suspected fraudulent activity on the part of recipients of medical assistance under
15 subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to
16 2036, ~~supplemental security income payments under s. 49.77, payments for the~~
17 ~~support of children of supplemental security income recipients under s. 49.775, and~~
18 health care benefits under the Badger Care health care program under s. 49.665 and
19 to conduct activities to reduce payment errors in the Medical Assistance program
20 under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
21 ~~supplemental security income payments program under s. 49.77, the program~~
22 ~~providing payments for the support of children of supplemental security income~~
23 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665,~~
24 as provided in this section.

25 SECTION 22. 49.35 (1) (bm) of the statutes is amended to read:

1 49.35 (1) (bm) All records of the department relating to aid provided under s.
2 49.19 or 49.39 are open to inspection at reasonable hours by members of the
3 legislature who require the information contained in the records in pursuit of a
4 specific state legislative purpose. All records of any county relating to aid provided
5 under s. 49.19 or 49.39 are open to inspection at reasonable hours by members of the
6 board of supervisors of the county or the governing body of a city, village or town
7 located in the county who require the information contained in the records in pursuit
8 of a specific county or municipal legislative purpose. The right to records access
9 provided by this paragraph does not apply if access is prohibited by federal law or
10 regulation or if this state is required to prohibit such access as a condition precedent
11 to participation in a federal program in which this state participates.

12 SECTION 23. 49.43 (1e) of the statutes is amended to read:

13 49.43 (1e) "Accommodated person" means any person in a hospital or in a
14 skilled nursing facility or intermediate care facility, as defined in Title XIX of the
15 social security act, who would have been eligible for benefits under s. 49.19 or 49.77
16 49.39 or federal Title XVI if the person were not in such a hospital or facility, and any
17 person in such an institution who can be found eligible for Title XIX under the social
18 security act.

19 SECTION 24. 49.46 (1) (a) 4. of the statutes is amended to read:

20 49.46 (1) (a) 4. Any person receiving benefits under s. ~~49.77~~ 49.39 or federal
21 Title XVI.

22 SECTION 25. 49.46 (1) (a) 4m. of the statutes is amended to read:

23 49.46 (1) (a) 4m. Any child for whom a payment is made under s. ~~49.775~~ 49.395.

24 SECTION 26. 49.46 (1) (d) 4. of the statutes is amended to read:

1 49.46 (1) (d) 4. A child who meets the conditions under 42 USC 1396a (e) (3)
2 shall be considered a recipient of benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

3 **SECTION 27.** 49.46 (1) (e) of the statutes is amended to read:

4 49.46 (1) (e) If an application under s. 49.47 (3) shows that the individual meets
5 the income limits under s. 49.19 or meets the income and resource requirements
6 under federal Title XVI or s. ~~49.77~~ 49.39, or that the individual is an essential person,
7 an accommodated person, or a patient in a public medical institution, the individual
8 shall be granted the benefits enumerated under sub. (2) whether or not the
9 individual requests or receives a grant of any of such aids.

10 **SECTION 28.** 49.47 (4) (c) 1. of the statutes is amended to read:

11 49.47 (4) (c) 1. Except as provided in par. (am) and as limited by subd. 3.,
12 eligibility exists if income does not exceed 133 1/3% of the maximum aid to families
13 with dependent children payment under s. 49.19 (11) for the applicant's family size
14 or the combined benefit amount available under supplemental security income
15 under 42 USC 1381 to 1383c and state supplemental aid under s. ~~49.77~~ 49.39,
16 whichever is higher. In this subdivision "income" includes earned or unearned
17 income that would be included in determining eligibility for the individual or family
18 under s. 49.19 or ~~49.77~~ 49.39, or for the aged, blind or disabled under 42 USC 1381
19 to 1385. "Income" does not include earned or unearned income which would be
20 excluded in determining eligibility for the individual or family under s. 49.19 or ~~49.77~~
21 49.39, or for the aged, blind or disabled individual under 42 USC 1381 to 1385.

22 **SECTION 29.** 49.471 (7) (c) 4. of the statutes is amended to read:

23 49.471 (7) (c) 4. Not include in the calculation any income of an individual
24 receiving benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

25 **SECTION 30.** 49.472 (4) (a) 2. a. of the statutes is amended to read:

1 49.472 (4) (a) 2. a. A maintenance allowance established by the department by
2 rule. The maintenance allowance may not be less than the sum of \$20, the federal
3 supplemental security income payment level determined under 42 USC 1382 (b) and
4 the state supplemental payment determined under s. ~~49.77 (2m)~~ 49.39 (2m).

5 SECTION 31. 49.77 of the statutes is renumbered 49.39, and 49.39 (6), as
6 renumbered, is amended to read:

7 49.39 (6) AUTHORITY TO ADMINISTER; RULES. The department shall administer
8 this section and s. ~~49.775~~ 49.395, and may promulgate rules to guide the
9 administration of eligibility determinations and benefits payments.

10 SECTION 32. 49.775 of the statutes is renumbered 49.395, and 49.395 (2) (a),
11 (b), (bm) and (e) 1., as renumbered, are amended to read:

12 49.395 (2) (a) The custodial parent is a recipient of supplemental security
13 income under 42 USC 1381 to 1383c or of state supplemental payments under s.
14 ~~49.77~~ 49.39, or both.

15 (b) If the dependent child has 2 custodial parents, each custodial parent
16 receives supplemental security income under 42 USC 1381 to 1383c or state
17 supplemental payments under s. ~~49.77~~ 49.39, or both.

18 (bm) The custodial parent assigns to the state any right of the custodial parent
19 or of the dependent child to support from any other person accruing during the time
20 that any payment under this subsection is made to the custodial parent. No amount
21 of support that begins to accrue after the individual ceases to receive payments under
22 this section may be considered assigned to the state. Seventy-five percent of all
23 money that is received by the department of ~~children and families~~ under an
24 assignment to the state under this paragraph shall be paid to the custodial parent.

1 The department of ~~children and families~~ shall pay the federal share of support
2 assigned under this paragraph as required under federal law or waiver.

3 (e) 1. The custodial parent is ineligible for aid under s. 49.19 solely because he
4 or she receives supplemental security income under 42 USC 1381 to 1383c or state
5 supplemental payments under s. ~~49.77~~ 49.39.

6 SECTION 33. 49.776 of the statutes is renumbered 49.396 and amended to read:

7 **49.396 Payment of support arrears.** If a custodial parent who formerly
8 received payments under s. 49.775, 2009 stats., or s. 49.395 but who is no longer
9 receiving payments under s. 49.775, 2009 stats., or s. 49.395 assigned to the state
10 under s. 49.775 (2) (bm), 2009 stats., or s. 49.395 (2) (bm) his or her right or the right
11 of the dependent child to support from any other person, the department shall pay
12 to the custodial parent all money in support arrears that is collected by the
13 department after the custodial parent's receipt of payments under s. 49.775, 2009
14 stats., or s. 49.395 ceased and that accrued while the custodial parent was receiving
15 those payments.

16 SECTION 34. 49.785 (1c) (a) of the statutes is amended to read:

17 49.785 (1c) (a) A recipient of benefits under s. 49.77, 2009 stats., or s. 49.148,
18 49.39, or 49.46, or 49.77, or under 42 USC 1381 to 1385 in effect on May 8, 1980.

19 SECTION 35. 49.825 (2) (a) 2. of the statutes is repealed.

20 SECTION 36. 49.83 of the statutes is amended to read:

21 **49.83 Limitation on giving information.** Except as provided under ss.
22 49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information
23 concerning applicants and recipients of relief funded by a relief block grant, aid to
24 families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social
25 services, child and spousal support and establishment of paternity and medical

1 support liability services under s. 49.22, or supplemental payments under s. 49.77,
2 ~~2009 stats., or s. 49.39~~ for any purpose not connected with the administration of the
3 programs, except that the department of children and families may disclose such
4 information to the department of revenue for the sole purpose of administering state
5 taxes. Any person violating this section may be fined not less than \$25 nor more than
6 \$500 or imprisoned in the county jail not less than 10 days nor more than one year
7 or both.

8 SECTION 37. 49.845 (1) of the statutes is amended to read:

9 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
10 (bn), (kz), (L), and (nn), the department of health services shall establish a program
11 to investigate suspected fraudulent activity on the part of recipients of medical
12 assistance under subch. IV, food stamp benefits under the food stamp program under
13 7 USC 2011 to 2036, ~~supplemental security income payments under s. 49.77,~~
14 ~~payments for the support of children of supplemental security income recipients~~
15 ~~under s. 49.775,~~ and health care benefits under the Badger Care health care program
16 under s. 49.665 and, if the department of children and families contracts with the
17 department of health services under sub. (4), on the part of recipients of aid to
18 families with dependent children under s. 49.19, supplemental security income
19 payments under s. 49.77, 2009 stats., or s. 49.39, payments for the support of children
20 of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395,
21 and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The
22 activities of the department of health services under this subsection may include
23 comparisons of information provided to the department by an applicant and
24 information provided by the applicant to other federal, state, and local agencies,
25 development of an advisory welfare investigation prosecution standard, and

1 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to
2 Wisconsin Works agencies to encourage activities to detect fraud. The department
3 of health services shall cooperate with district attorneys regarding fraud
4 prosecutions.

5 SECTION 38. 49.845 (2) of the statutes is amended to read:

6 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health
7 services shall conduct activities to reduce payment errors in the Medical Assistance
8 program under subch. IV, the food stamp program under 7 USC 2011 to 2036, ~~the~~
9 ~~supplemental security income payments program under s. 49.77, the program~~
10 ~~providing payments for the support of children of supplemental security income~~
11 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665~~
12 and, if the department of children and families contracts with the department of
13 health services under sub. (4), in the supplemental security income payments
14 program under s. 49.39, the program providing payments for the support of children
15 of supplemental security income recipients under s. 49.395, and Wisconsin Works
16 under ss. 49.141 to 49.161.

17 SECTION 39. 49.845 (4) (title) of the statutes is amended to read:

18 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY
19 INCOME, AND CARETAKER SUPPLEMENT

20 SECTION 40. 49.845 (4) (a) 1. of the statutes is amended to read:

21 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of
22 children and families may contract with the department of health services to
23 investigate suspected fraudulent activity on the part of recipients of aid to families
24 with dependent children under s. 49.19, recipients of supplemental security income
25 payments under s. 49.39, recipients of payments for the support of children of

1 supplemental security income recipients under s. 49.395, and participants in
2 Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities to reduce
3 payment errors in the supplemental security income payments program under s.
4 49.39, the program providing payments for the support of children of supplemental
5 security income recipients under s. 49.395, and Wisconsin Works under ss. 49.141 to
6 49.161, as provided in this section. If any employee of the department of health
7 services reasonably suspects that fraudulent activity as described in this subdivision
8 has occurred or is occurring, the employee shall immediately report the facts and
9 circumstances contributing to that suspicion to the employee's immediate
10 supervisor.

11 **SECTION 41.** 49.89 (7) (bm) of the statutes is amended to read:

12 49.89 (7) (bm) The incentive payment shall be an amount equal to 15% of the
13 amount recovered because of benefits paid as state supplemental payments under
14 s. 49.77, 2009 stats., or s. 49.39. The incentive payment shall be taken from the state
15 share of the sum recovered.

16 **SECTION 42.** 49.90 (1) (b) of the statutes is amended to read:

17 49.90 (1) (b) For purposes of this section those persons receiving benefits under
18 federal Title XVI or under s. 49.77 49.39 shall not be deemed dependent persons.

19 **SECTION 43.** 49.96 of the statutes is amended to read:

20 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
21 dependent children, payments made under ss. 48.57 (3m) or (3n), 49.148 (1) (b) 1. or
22 (c) or (1m) or 49.149 to 49.159, payments made for social services, cash benefits paid
23 by counties under s. 59.53 (21), and benefits under s. 49.77 49.39 or federal Title XVI,
24 are exempt from every tax, and from execution, garnishment, attachment and every
25 other process and shall be inalienable.

1 **SECTION 44.** 50.03 (14) (b) of the statutes is amended to read:

2 50.03 (14) (b) The county departments of the county in which the facility is
3 located that are responsible for providing services under s. 46.215 (1) (L), ~~46.22 (1)~~
4 ~~(b) 1. e.~~ 46.22 (1) (b) 2. h., 51.42 or 51.437 shall participate in the development and
5 implementation of individual relocation plans. Any county department of another
6 county shall participate in the development and implementation of individual
7 relocation plans in place of the county departments of the county in which the facility
8 is located, if the county department accepts responsibility for the resident or is
9 delegated responsibility for the resident by the department or by a court.

10 **SECTION 45.** 50.037 (3) of the statutes is amended to read:

11 50.037 (3) **EXEMPTION.** Community-based residential facilities where the total
12 monthly charges for each resident do not exceed the monthly state supplemental
13 payment rate under s. ~~49.77 (3e)~~ 49.39 (3s) that is in effect at the time the fee under
14 sub. (2) is assessed are exempt from this section.

15 **SECTION 46.** 767.521 (intro.) of the statutes is amended to read:

16 **767.521 Action by state for child support.** (intro.) The state or its delegate
17 under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.001
18 (1) (f) or for paternity determination and child support under s. 767.80 if the child's
19 right to support is assigned to the state under s. 49.775 (2) (bm), 2009 stats., or s.
20 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775
21 49.395 (2) (bm) and all of the following apply:

22

(END)